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10/689,789

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Brent A. Hill

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EXAMINER

CHUNG TRANS, XUONG MY

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The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte BRENT A. HILL, CARY D. COTTRELL,
YUN LING, JOHN M. LYNCH,
SCOTT NOBLE, GUIXIANG TAN,
THAI TONG, DANIEL S. WILLIS, and
YINAN WU

Appeal 2008-2631
Application 10/689,789
Technology Center 2800

Decided: August 6, 2008

Before BRADLEY R. GARRIS, CHUNG K. PAK, and
JEFFREY T. SMITH, *Administrative Patent Judges*.

GARRIS, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134 from the Examiner's
decision rejecting claims 1-20. We have jurisdiction under 35 U.S.C. § 6.

We AFFIRM-IN-PART.

Appellants claim an electronic system comprising a system board 61, a connector 42, an electronic card 63 attached to the connector, a guide 44 secured to the system board, wherein the guide is adapted to inhibit lateral movement of the card, and a latch 47 connected to the guide and adapted to aid in retaining the electronic card in the connector (Figs. 4-7; claim 1).

Appellants also claim a method comprising steps which yield the aforementioned electronic system (claim 12).

Representative claims 1-4 read as follows:

1. An electronic system, comprising:

a system board;

a connector mounted on the system board;

an electronic card attached to the connector, the card overhanging the connector at least on an inward end of the card;

a guide secured to the system board, wherein the guide is adapted to inhibit lateral movement of the card; and

a latch connected to the guide and adapted to aid in retaining the electronic card in the connector.

2. The system of claim 1, wherein the guide is adapted to provide a side constraint which substantially prevents lateral flexing of the card at a point where the guide contacts the card.

3. The system of claim 1, wherein the guide contacts one or more side surfaces of the card.

4. The system of claim 3, wherein the guide contacts two opposed side surfaces of the card.

The reference set forth below is relied upon by the Examiner as evidence of unpatentability:

| | | |
|------|-----------|---------------|
| Chen | 5,637,004 | June 10, 1997 |
|------|-----------|---------------|

Claims 1-10 are rejected under 35 U.S.C. § 102(b) as being anticipated by Chen.

Claims 11-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen. In this rejection, the Examiner expresses an obviousness position only for dependent system claim 11 (Ans. 5-6). Concerning method claims 12-20, the Examiner states that “these claims recite method[s] [which] substantially correspond to the system claims 1-10; therefore, they are rejected under similar rationale” (Ans. 6).

For the reasons which follow, we will sustain the rejections of claims 1, 5-12, and 16-20 but will not sustain the rejections of claims 2-4 and 13-15.

The Examiner finds that Chen discloses a system (and method) comprising a guide formed by end walls 36 and restriction walls 48 which would inhibit lateral movement of electronic module (i.e., card) 102 (Chen: Figs. 2-7; col. 3, ll. 19-42, para. bridging cols. 4-5) as required by independent system claim 1 and independent method claim 12 (Ans. 4, 7-8).

Appellants argue that Chen does not disclose this claim feature as evinced particularly by Figs. 7A-7D “which clearly illustrate a clearance between the slot [in end walls 36] and the card [i.e., module 102] on both sides” (App. Br. 8). This argument is unpersuasive with respect to independent claims 1 and 12.

The deficiency of Appellants’ argument is that these independent claims do not exclude the existence of a clearance between the guide and

card. Instead, these claims merely require that the guide inhibit lateral movement of the card. Like the Examiner, we find that lateral movement of Chen's module (i.e., card) 102 necessarily would be inhibited by end walls 36 and restriction walls 48 (Figs. 6, 7A-7D). This is because, while the clearance between Chen's module and walls would permit some lateral movement, patentee's walls would restrict or inhibit¹ this movement to the clearance space only.

In light of the foregoing, we sustain the § 102 and § 103 rejections of independent claims 1 and 12 as well as the corresponding rejections of not separately argued dependent claims 5-11 and 16-20.

On the other hand, we do not sustain the § 102 and § 103 rejections of separately argued dependent claims 2-4 and 13-15. Each of these dependent claims (unlike the independent claims) requires contact between the guide and card. As correctly argued by Appellants and most clearly depicted in Figs. 7A-7D, there is clearance rather than contact between Chen's walls (i.e., guide) 36, 48 and module (i.e., card) 102. The Examiner makes the contrary finding that the here-claimed contact is shown in the figures of Chen's drawing (Ans. 8-9). We consider this finding to be erroneous particularly since it is clearly inconsistent with the clearance rather than contact displayed in Figs. 7A-7D of Chen.

The decision of the Examiner is affirmed-in-part.

¹ Appellants' Specification does not define the claim 1 term "inhibit" and concomitantly does not define the degree of lateral movement encompassed by this term. Therefore, we interpret this claim term in accordance with its ordinary accepted dictionary definition which is "to restrict or hold back" (Webster's II New Riverside University Dictionary 1984).

Appeal 2008-2631
Application 10/689,789

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED-IN-PART

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